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10/578,335	05/04/2006	Junya Kaku	060363	5062

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EXAMINER	
HARVEY, DAVID E	

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2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,335	KAKU, JUNYA	
	Examiner	Art Unit	
	DAVID E. HARVEY	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. With respect to applicant's arguments filed 4/5/2010:

A) In the second full paragraph on page 10 of the arguments, applicant states:

> "**In addition, while the Examiner alleged that Tsujii's thumb nail pictures depicted in Fig. 10 of Tsujii's disclose something analogous to the recited "position information point," Tsujii's thumb nail pictures are merely a reduced version of a still images in a motion picture which are used to refer to a specific position in the motion picture during its playback and editing. As the Examiner pointed out in the Action, the thumb nail pictures are not the same as "position information pointing a plurality of positions on the content output." In fact, the two are completely different and not interchangeable in its function or results. The thumb nail pictures does not provide information to the playback device regarding managing the frames like the claimed position information, and the thumb nail pictures would not allow the playback device to playback the motion picture unless Tsujii's method also includes a separate step of recording the index information to the recording medium sometime during or after the recording of the content output**."

With respect to this statement the following is noted:

1) As to the first sentence of this statement:

> **"In addition, while the Examiner alleged that Tsujii's thumb nail pictures depicted in Fig. 10 of Tsujii's disclose something analogous to the recited "position information point," Tsujii's thumb nail pictures are merely a reduced version of a still images in a motion picture *which are used to refer to a specific position in the motion picture* during its playback and editing."**

The examiner agrees with applicant's apparent position that, in the context of the Tsujii disclosure, the reduced size "thumb nail" still pictures generated by the Tsujii system are at least implicitly "***used to refer to***", i.e., via some unspecified mechanism, "***specific position[s] in the motion picture***." Being such, the examiner contends that these generated reduced size still pictures do in fact constitute forms of ***"position information pointing to a plurality of positions***" in said motion picture content.

2) As to the second and third sentences of this statement:

> **"As the Examiner pointed out in the Action, the thumb nail pictures are not the same as "position information pointing a plurality of positions on the content output." In fact, the two are completely different and not interchangeable in its function or results."**

For the reasons explained in part "1)" above, the examiner disagrees.

3) As to the remaining portion of this statement:

> **"The thumb nail pictures does not provide information to the playback device regarding managing the frames like the claimed position information, and the thumb nail pictures would not allow the playback device to playback the motion picture unless Tsujii's method also includes a separate step of recording the index information to the recording medium sometime during or after the recording of the content output**."

As explained in part "1)" above, the examiner agrees that Tsujii fails to specify the mechanism by which the reduced size "thumb nail" still pictures "***are used to refer to***" (i.e., point to) the "***specific positions in the motion picture***" content. However, as evidenced by the showing of Hisatomi et al [see part "C)" of paragraph 3 of the Office action mailed 1/7/2010], the examiner maintains that it would have been obvious to have used "index stream information" as such the mechanism (i.e., to implement the mechanism that was unspecified in Tsujii).

B) In lines 4-18 on page 9 and lines 1-5 on page 10 of the arguments, applicant attacks Hisatomi et al for various reasons. However, the examiner notes that Hisatomi et al is the "secondary reference" and has only been relied upon for the mechanism and motivation for modifying the "primary reference" (i.e., Tsujii). More specifically, the examiner relies on Tsujii for the showing of a system that intermittently generates position information (i.e., the reduced size thumb nail still pictures) that are at least "used to refer to" (i.e., "used to point to") respective position in the moving picture content; wherein the reduced size thumb nail pictures are generated and stored in parallel with the moving picture content.

C) Additionally, the examiner maintains that the recitations of the instant claims are broader in scope than has been argued by applicant; i.e., for example, the recitation of "*pointing information pointing a plurality of positions on the content*" does not exclude reduced size thumb nail picture "information" that "points to" respective full size still picture locations/"positions" of a moving picture "content".

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> **(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al.

A) The showing of Tsujii et al.:

As is illustrated in Figures 1, Tsujii et al. discloses a video camera for recording video content onto a video recording medium (e.g., @ 5 of Figure 1). The camera comprises:

1) A first outputting means (e.g., @ 1-3 of Figure 1) for outputting a content comprised of a sequence of picture frames (e.g., @ top of Figure 10) wherein the sequence has a reference picture position assigned it at an intermittent timing (i.e., every tenth picture frame as shown in Figure 10);

2) A first recording means (e.g., @ 3-4 of Figure 1) for recording the outputted content, in a compressed MPEG format, on the recording medium (@ 5 of Figure 1);

3) A first creating means (e.g., @ 3 and 6 of Figure 1) for creating index information (e.g., the thumbnail picture information) which, as shown at the bottom of Figure 10, is created in parallel with the outputted information content; and

4) A second recording means (e.g., @ 3-4 of Figure 1) for recording the created index information on the recording medium with the outputted information content every time that a reference position is specified (i.e., note Figures 10 and 12).

B) Differences:

Claim 1 differs from the showing of Tsujii et al. only in that claim 1 requires the created and recorded index information to be information that point to the reference positions that were assigned to the content; i.e., wherein, in contrast, the system disclosed by Tsujii et al. stores indexed picture information itself.

C) The showing of Hisatomi et al. & Obviousness:

Hisatomi et al. is cited because not only does it evidence the fact that storing index information in the form and thumbnail images and in the form of pointer information were recognized alternatives in an analogous environment but, like applicant, Hisatomi et al. recognized that the storing of pointer information was preferred in that it advantageously reduced the amount of storage space that was required to stored the indexed stream by eliminating the need to store the

thumbnail images **[SEE lines 43-63 of column 16]**. The examiner maintains that it would have been obvious to have modified the system disclosed by Tsujii et al to create and store pointer information, i.e., in place of the thumbnail information, to obtain the benefit of reducing the amount of storage space that is required to stored the indexed content.

****

With respect to the arguments filed 4/5/2010, see paragraph 1 of this Office action.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 1. Additionally:

As is evident via Figures 6, 8, and 12 of Tsujii et al., frames of the picture sequences are temporarily stored in memory while it is compressed, and while the index information is generated therefrom, prior to being with the index information in a synchronous manner (e.g., @ Figure 12).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 1. Additionally:

Note lines 26—26 of column 5 in Tsujii et al. (i.e., MPEG is used as the compression standard).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 3. Additionally:

Note Figures 11 and 11 of Tsujii et al. (i.e., the indexed frame are the I-Frames of the GOPs of MPEG compressed signal).

7. Claim 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 3. Additionally:

As is evident from Figures 17 and 19 of Hisatomi et al., it was known and would have been obvious to one of ordinary skill in the art to have stored the content information in a data file, to have stored the index information in a management file, and to have stored information connecting the two files (e.g., logical to physical addresses) as a third filed;

i.e., the examiner takes Official Notice that such a file structure was notoriously well known from the DVD recording standard.

8. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 1.**

Note Figure 1 and 11 of Tsujii et al. (i.e., the system is a video camera).

9. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 2.**

Note Figure 1 and 11 of Tsujii et al. (i.e., the system is a video camera).

10. **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 3.**

Note Figure 1 and 11 of Tsujii et al. (i.e., the system is a video camera).

11. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 4.**

Note Figure 1 and 11 of Tsujii et al. (i.e., the system is a video camera).

12. **Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 5.**

Note Figure 1 and 11 of Tsujii et al. (i.e., the system is a video camera).

13. **Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 6.**

Note Figure 1 and 11 of Tsujii et al. (i.e., the system is a video camera).

14. **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 7.**

Note Figure 1 and 11 of Tsujii et al. (i.e., the system is a video camera).

15. **Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,928,234 to Tsujii et al. in view of US Patent #6,546,192 to Hisatomi et al. for the same reasons that were explained above for claim 8.**

Note Figure 1 and 11 of Tsujii et al. (i.e., the system is a video camera).

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsh D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

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